

United States District Court

OCT - 3 2019

SOUTHERN

DISTRICT OF
MCALLEN DIVISION

TEXAS

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Benito Lopez III

Principal

Case Number:

YOB: 1976

United States

M-19-2378-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 1, 2019 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Maria Cubias-Flores, a citizen and national of Guatemala, and Roberto Fabian Berrezueta-Pesantez, a citizen and national of Ecuador, along with six (6) other undocumented aliens, for a total of eight (8), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempted to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation, to wit; a residence in Los Ebanos, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On October 1, 2019, a Border Patrol Agent was approached by a concerned citizen who provided information regarding eight (8) to ten (10) suspected undocumented aliens hiding at a property located at 180 Federico Flores Street, in Escobares, Texas. The concerned citizen stated that he was hired to do work on the property and observed several people concealed in a bathroom. The information was relayed to nearby agents who responded to the property.

SEE ATTACHMENT

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved AUSA Michael Mettall
10-3-19

Signature of Complainant

Jon M. Chan

Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

10/03/2019
Date

4:33 PM

at McAllen, Texas
City and State

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-19-2378 -M

RE: Benito Lopez III

CONTINUATION:

At the property, agents made contact with a male subject who claimed to be renting a residence on the property. The property consist of two residential structures with one garage type structure located between both residences. Agents requested permission to search the property for illegal aliens who were believe to be hiding on the property. The male subject eventually declined the agents request to search the property. During the encounter, an additional male subject approached the conversation. Agents recognized the male subject as Benito Lopez III, a United States Citizen who is believed to be involved in alien smuggling. Agents departed the residence and began to conduct surveillance on the property.

Approximately thirty (30) minutes later, agents observed several subjects exiting the rear area of the property and crossing the fence. Agents converged on the area and apprehended a total of eight (8) subjects. The agents questioned the subjects and determined them to be illegally present in the United States. The subjects were placed under arrest and transported to the McAllen Border Patrol Station for processing.

Material Witnesses Statements:

Maria Cubias-Flores, a citizen of Guatemala, and Roberto Fabian Berrezueta-Pesantez, a citizen of Ecuador, were advised of their Miranda Rights, stated they understood their rights, and agreed to provide a statement.

Maria Cubias-Flores claimed she paid a smuggler approximately \$7,500 to be smuggled to Maryland. Cubias, with a group of approximately eleven (11) other people, crossed the Rio Grande River using two (2) rafts. Once in the United States, the group waited for several minutes before following a foot guide across a road and entering a property with several structures. Cubias stated that the group was eventually instructed to enter a small bathroom located inside a garage type structure.

After several minutes, a bald male subject with a beard, made contact with a young male subject in the group. Cubias stated that she believed the bald male subject was involved in the smuggling event because he was usually on the phone, communicating with smugglers in Mexico. Cubias claimed that on several occasions, the bald male subject made contact with the young male subject in the group. Cubias stated that they were instructed to leave the area and exited the bathroom through a window. Cubias indicated that they were apprehended by Immigration shortly after.

Cubias was presented with a photo lineup and identified Bentio Lopez III, as the bald male subject with a beard, who was involved in the smuggling event.

**UNITED STATES DISTRICT COURT
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CONTINUATION:

Roberto Fabian Berrezueta-Pasantez claimed he paid \$7,500 to be smuggled to New York. Berrezueta crossed the Rio Grande River with a group of sixteen (16) people, on two (2) rafts. Once in the United States, the group followed a foot guide across a road and entered an adjacent property with several structures. The group was eventually led into a small bathroom located in a building Berrezueta described as a workshop. After a few hours, the foot guide was instructed to get them out of the structure as soon as possible because Immigration was parked outside the property. Berrezueta and the group exited the structure through a window and attempted to abscond.

Berrezueta claimed that a male subject with a long beard was responsible for the group. This male subject had instructed the group not to move or to make any noise.